

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEOPOLDO GOMEZ-ZAVALA,

Defendant.

Case No.: 05-203M

DETENTION ORDER

Offenses charged:

Count I: Unlawful entry, first offense (misdemeanor) in violation of 8 U.S.C. § 1325(a)(2).

Count II: Unlawful entry, second offense (felony) in violation of 8 U.S.C. § 1325 (a)(2).

Date of Detention Hearing: Initial Appearance, 4/28/2005.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required. If new issues surface, then the defendant may request another hearing on release.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) In the Complaint for Violation dated April 21, 2005, criminal records are cited that reflect several prior controlled-substance offenses committed by Defendant. In addition, the

01 Complaint notes other violations relating to deportation and removal.

02 (2) Defendant appears to have no substantial ties to the community or to the Western
03 District of Washington.

04 (3) The defendant has stipulated to detention due to the detainer placed on defendant
05 by the Bureau of Immigration and Customs Enforcement, but reserves the right to the possibility
06 of a subsequent motion for release if there is a change of circumstances.

07 (4) No conditions or combination of conditions are apparent that will reasonably assure
08 the defendant's appearance at future Court hearings.

09 IT IS THEREFORE ORDERED:

10 (1) Defendant shall be detained pending trial and committed to the custody of
11 the Attorney General for confinement in a correction facility separate, to the extent
12 practicable, from persons awaiting or serving sentences or being held in custody
13 pending appeal;

14 (2) Defendant shall be afforded reasonable opportunity for private consultation
15 with counsel;

16 (3) On order of a court of the United States or on request of an attorney for
17 the government, the person in charge of the corrections facility in which defendant
18 is confined shall deliver the defendant to a United States Marshal for the purpose
19 of an appearance in connection with a court proceeding; and

20 (4) The clerk shall direct copies of this Order to counsel for the United States,
21 to counsel for the defendant, to the United States Marshal, and to the United
22 States Pretrial Services Officer.

23 DATED this 28th day of April, 2005.

24
25 s/ JAMES P. DONOHUE
26 United States Magistrate Judge